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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,381	07/28/2000	GURTEJ SANDHU	11675.76.1.1	2473

7590 05/18/2004  
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/627,381

Applicant(s)

SANDHU ET AL.

Examiner

Tuan Quach

Art Unit

2814

*Am*

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 05 March 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attachment.

### DETAILED ACTION

The Appeal Brief filed 05 March 2004 is defective for the following reasons.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191.

Extensions of these time periods may be granted under 37 CFR 1.136.

Under the heading Status of Amendments, there is lacking a statement on any amendment filed subsequent to the final rejection; there was no statement to the effect that no amendment was filed subsequent to the final rejection.

The brief does not contain a concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6).

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Under the Issues heading, corresponding to numeral 5. on the PTOL-462, the issues stated fail to include the issue of the rejection of claims 34 and 35 under 35 U.S.C. 112, first paragraph.

Under the Issues heading, the issues stated fail to include the issue of the rejection of claims 1-35, 37, and 38 under the judicially created doctrine of obviousness-type double patenting.

Art Unit: 2814

Under the heading Grouping of claims, there was no statement whether claims 34 and 35 stand or fall together regarding the rejection under 35 U.S.C. 112, first paragraph.

Under the heading Grouping of claims, there was no statement whether claims 1-35, 37, and 38 stand or fall together regarding the double patenting rejection.

Under the Argument heading, appellant fails to provide an argument under a separate heading for the rejection of claims 34 and 35 under 36 U.S.C. 112, first paragraph, including any argument as to why the claims do not stand or fall together.

Under the Argument heading, appellant fails to provide an argument under a separate heading for the rejections of claims 1-35, 37 and 38, including any argument as to why these claims do not stand or fall together.

Note that the argument on page 10 regarding the statement a willingness to submit a terminal disclaimer once allowable subject matter is non-responsive and is not accepted. Such causes unnecessary delay and prevents or complicates effective disposal of the application. ~~Appellant is required to file such terminal disclaimer in~~ response to this Office action to overcome the double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Quach whose telephone number (571)272-1717. The examiner can normally be reached on M - F from 7 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wael Fahmy can be reached on (571)272-1705. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Art Unit: 2814

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1562.

*Tuan Quach*

Tuan Quach  
Primary Examiner

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